

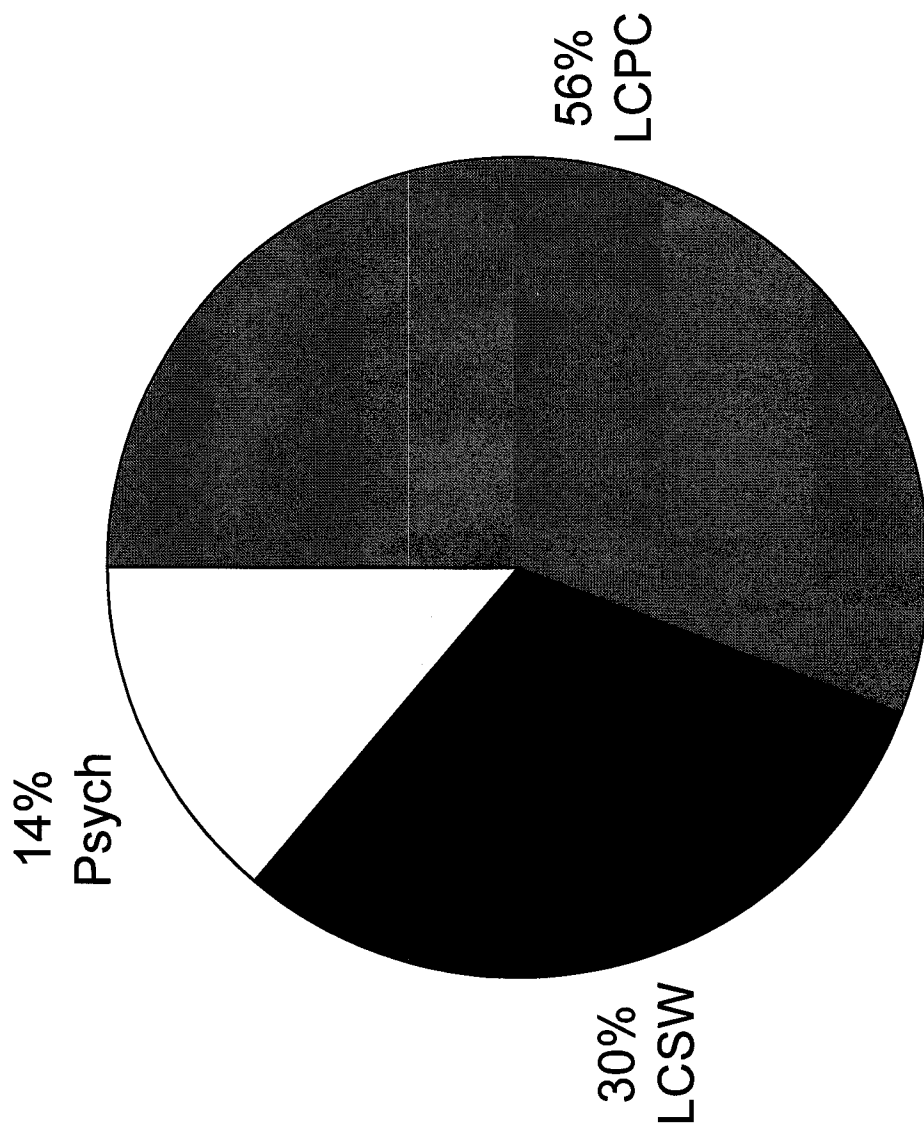
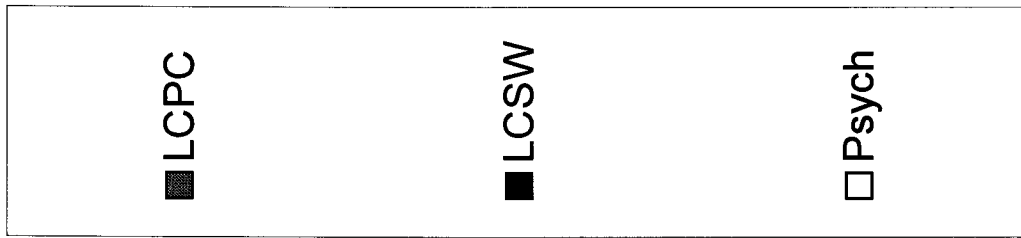
Exhibit No. 5Date 1-21-09NUMBER OF LCPCs and LCSWs V NUMBER OF PSYCHOLOGISTS IN MONTANA No. SB 235

NOTE: There are 85 communities listed where there are Counselors or Social Workers (or both) and NO psychologist

| City           | LCPC | LCSW | Psych |
|----------------|------|------|-------|
| Alberton       | 1    | 1    | 0     |
| Anaconda       | 11   | 2    | 2     |
| Arlee          | 4    | 2    | 0     |
| Belgrade       | 12   | 2    | 1     |
| Belt           | 0    | 4    | 0     |
| Big Arm        | 1    | 0    | 0     |
| Big Fork       | 7    | 2    | 0     |
| Big Sandy      | 1    | 0    | 0     |
| Big Sky        | 0    | 1    | 0     |
| Big Timber     | 1    | 1    | 0     |
| Billings       | 153  | 54   | 23    |
| Black Eagle    | 1    | 0    | 0     |
| Bonner         | 3    | 0    | 0     |
| Boulder        | 2    | 2    | 0     |
| Box Elder      | 1    | 0    | 0     |
| Bozeman        | 83   | 24   | 22    |
| Bridger        | 1    | 1    | 0     |
| Brockton       | 1    | 0    | 0     |
| Browning       | 0    | 4    | 1     |
| Butte          | 28   | 26   | 4     |
| Cascade        | 2    | 1    | 0     |
| Charlo         | 2    | 0    | 0     |
| Chinook        | 3    | 3    | 0     |
| Choteau        | 2    | 0    | 0     |
| Clancy         | 12   | 5    | 0     |
| Clinton        | 2    | 1    | 1     |
| Colstrip       | 2    | 0    | 2     |
| Columbia Falls | 8    | 2    | 0     |
| Columbus       | 1    | 1    | 0     |
| Conrad         | 3    | 0    | 0     |
| Corvallis      | 2    | 1    | 1     |
| Cutbank        | 2    | 0    | 1     |
| Deer Lodge     | 6    | 1    | 1     |
| Dillon         | 2    | 5    | 1     |
| Dutton         | 0    | 1    | 0     |
| East Helena    | 3    | 1    | 0     |
| Elliston       | 1    | 0    | 0     |
| Elmo           | 0    | 1    | 0     |
| Emigrant       | 0    | 1    | 1     |
| Eureka         | 6    | 1    | 0     |
| Fairfield      | 0    | 2    | 0     |
| Fairview       | 2    | 0    | 0     |
| Florence       | 4    | 7    | 2     |
| Fort Benton    | 3    | 0    | 0     |
| Fort Harrison  | 0    | 1    | 0     |
| Fort Shaw      | 1    | 0    | 0     |
| Forysth        | 2    | 1    | 0     |
| Frenchtown     | 2    | 1    | 0     |

|                  |    |    |    |
|------------------|----|----|----|
| Gallatin Gateway | 1  | 0  | 0  |
| Gardiner         | 0  | 2  | 0  |
| Garryowen        | 0  | 1  | 0  |
| Geyser           | 1  | 0  | 0  |
| Gildford         | 1  | 0  | 0  |
| Glasgow          | 2  | 0  | 1  |
| Glendive         | 6  | 1  | 0  |
| Great Falls      | 54 | 34 | 15 |
| Hall             | 0  | 2  | 0  |
| Hamilton         | 9  | 0  | 1  |
| Hardin           | 1  | 1  | 0  |
| Harlem           | 0  | 1  | 0  |
| Harlowton        | 1  | 0  | 0  |
| Havre            | 13 | 3  | 5  |
| Helena           | 54 | 52 | 16 |
| Hilger           | 0  | 0  | 1  |
| Huntley          | 3  | 1  | 0  |
| Jefferson City   | 0  | 0  | 1  |
| Joilet           | 1  | 0  | 0  |
| Kalispell        | 44 | 29 | 15 |
| Lakeside         | 1  | 0  | 0  |
| Lame Deer        | 2  | 1  | 0  |
| Laurel           | 6  | 0  | 0  |
| Lavina           | 1  | 1  | 0  |
| Lewistown        | 12 | 3  | 0  |
| Libby            | 7  | 4  | 0  |
| Livingston       | 6  | 6  | 3  |
| Lodge Grass      | 0  | 1  | 0  |
| Lolo             | 4  | 0  | 0  |
| Malta            | 2  | 0  | 0  |
| Manhattan        | 2  | 0  | 0  |
| Marion           | 1  | 0  | 0  |
| McLeod           | 0  | 0  | 1  |
| Miles City       | 5  | 4  | 2  |
| Missoula         | 93 | 70 | 58 |
| Molt             | 1  | 1  | 0  |
| Park City        | 0  | 2  | 0  |
| Phillipsburg     | 0  | 1  | 0  |
| Plains           | 0  | 3  | 0  |
| Plentywood       | 2  | 0  | 0  |
| Polson           | 5  | 5  | 2  |
| Poplar           | 2  | 2  | 1  |
| Red Lodge        | 3  | 0  | 1  |
| Roberts          | 1  | 0  | 0  |
| Rollins          | 2  | 0  | 0  |
| Ronan            | 4  | 2  | 0  |
| Roundup          | 2  | 0  | 0  |
| Ryegate          | 0  | 1  | 0  |
| Seeley Lake      | 1  | 0  | 1  |
| Shelby           | 0  | 3  | 0  |
| Shepherd         | 3  | 0  | 0  |
| Sidney           | 0  | 1  | 0  |
| Somers           | 3  | 0  | 0  |

|                  |     |     |     |
|------------------|-----|-----|-----|
| St. Ignatius     | 0   | 1   | 1   |
| St. Regis        | 0   | 1   | 0   |
| Stevensville     | 6   | 4   | 0   |
| Sun River        | 2   | 0   | 0   |
| Terry            | 1   | 0   | 0   |
| Thompson Falls   | 5   | 1   | 0   |
| Three Forks      | 1   | 1   | 0   |
| Townsend         | 5   | 3   | 0   |
| Trout Creek      | 3   | 0   | 0   |
| Ulm              | 2   | 0   | 0   |
| Valier           | 1   | 0   | 0   |
| Victor           | 2   | 0   | 1   |
| Warm Springs     | 0   | 2   | 3   |
| West Yellowstone | 0   | 1   | 0   |
| Whitefish        | 12  | 8   | 3   |
| Whitehall        | 2   | 2   | 0   |
| Whitetail        | 1   | 0   | 0   |
| Wolf Point       | 4   | 2   | 0   |
|                  | 793 | 427 | 195 |



**Senate Public Health, Welfare & Safety Committee**

**Senator Roy Brown, Chair**

**Hearing: January 21, 2009, regarding SB 235, Revise law on psychological testing to expand who can state they provide such testing**

**Sponsor: Senator Murphy**

**What does SB235 do?**

SB 235 would allow Licensed Clinical Professional Counselors (LCPCs) and Licensed Clinical Social Workers (LCSWs) simply to say they can perform psychological testing, evaluation, and assessment provided they are qualified to do so. This will allow Montanans more information about who in their communities can provide these important health care services. Importantly this will improve access to such health care, especially for rural Montanans.

**Why is it necessary?**

Since 1986, Licensed Clinical Professional Counselors and Licensed Clinical Social Workers have been legally authorized to provide psychological testing, evaluation, and assessment, provided they are qualified. However, in the 2005 session of the Legislature, the psychologists and proposed an amendment, which was adopted into law, to their practice act, Title 37, Part 17, MCA, that prohibits any other qualified professionals from using the terms "psychology," "psychologist," "psychological," or "psychologic" in describing their service. Therefore, while the statute clearly allows other qualified professionals to administer psychological testing, evaluation, and assessment, it prohibits them, including LCPCs and LCSWs, from legally identifying their work with the appropriate terminology. See 37-17-104, MCA.

The term psychological, used as an adjective, simply means that it pertains to a mental state, rather than a physical state. Counselors and Social Workers and other mental health professionals, have always used psychological testing, assessment, and evaluation in their work. It's an essential piece of the process in working with their clients.

**Restriction of Trade**

Since 2005, the psychologists have restricted the practice of selected LCPCs and LCSW's after obtaining a "cease and desist order" from a district court. The order prohibits LCPCs and LCSWs from using the words "psychology," "psychologist," "psychological," or "psychologic" in describing tests, assessments, and evaluations they are qualified to perform.

*The Dept. of  
Labor &  
Industry*

**Effect on Montana Consumer**

Montana has 795 LCPCs and 433 LCSW's, for a total of 1228 and only 196 psychologists; LCPCs out-number psychologists in rural areas 4 to 1. Disallowing LCPCs and LCSW's to fully practice as trained and as they have for years would have a huge negative impact on rural Montanans by eliminating mental health consumers continued ready access to psychological testing, evaluation, and assessment services. .

SB235 also impacts local Detention Facilities looking to expand mental health services, and mental health programs and or treatment at Montana State Prison or Women's Prison. Most employ LCPC's. It impacts rural area Veterans returning from Iraq and Afghanistan, allowing them needed access to mental health care including assessing and evaluating Post Traumatic Stress Disorder.

Counselors and Social Workers do not, nor do they *want* to hold themselves out to be psychologists, but in the very course of their professional work they utilize psychological testing, assessment and evaluation and need to be able to refer to it as what it is without facing legal action for doing what they've always done. SB 235 will protect them from such legal action and, most importantly, will allow Montanans more information about who can provide them these vital services

Montana Licensed Clinical Professional Counselors

Tom Ferro--President

Bob Bakko—Chair of Public Policy and Legislation Committee

Gloria Hermanson—431-6346

Jon Metropoulos—461-4296